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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/809,935 | 03/26/2004 | Yo Tsurumi | 59558.00022 | 6426 |
| 32294 | 7590 | 05/15/2006 | EXAMINER | |
| SQUIRE, SANDERS & DEMPSEY L.L.P. | | | HOLMES, JUSTIN K | |
| 14TH FLOOR | | | ART UNIT | |
| 8000 TOWERS CRESCENT | | | PAPER NUMBER | |
| TYSONS CORNER, VA 22182 | | | 3681 | |

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/809,935 | | TSURUMI, YO | |
| | Examiner | | Art Unit | |
| | Justin K. Holmes | | 3681 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,7-11,13,15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner acknowledges receipt of the Response Under 37 CFR 1.111 filed on February 17, 2006. Accordingly, Claims 2, 4, 7-11, 13, 15 and 16 have been withdrawn.

Drawings

2. The previous acceptance of drawings in the Office Action dated October 12, 2005 is withdrawn.

3. Figures 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5, 6, 12 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,699,152 to Tanaka.

Regarding Claim 1, the Tanaka patent teaches an oscillating reduction gear 10 having an internal gear 21, external gears 19 that mesh with the internal gear 21, and eccentric members 17a and 17b that rotate to cause the external gears 19 to undergo oscillatory motion. See column 2, lines 45-49 and Fig. 1. An intermediate gear 30 has a large gear 30a that links the intermediate gear 30 with an input gear 25b and input shaft 25 at a right angle. The orthogonal gear as broadly recited in Claim 1 is defined as the large gear 30a in the Tanaka patent. The external gear oscillatingly rotates via the input shaft, the large gear, the middle shaft and the eccentric members. See column 5, lines 19-43, and column 6, lines 1-3 and Fig. 1.

Regarding Claim 3, an eccentric member shaft 17 is disposed apart from the intermediate gear 30. See Fig. 1.

Regarding Claim 5, a plurality of bearing use holes 12a are provided in the basal disc 12, and a plurality of bearing use holes 14a are provided in the end plate 14. The bearing use holes 12a and 14a are used to hold tapered roller bearings 18 that are used to hold eccentric member shafts 17. Accordingly, a plurality of eccentric member shafts 17 are taught by the Tanaka patent. The eccentric member shafts 17 have a transmission gear 33 which mesh with a small gear 30b connected to the intermediate gear 30. Accordingly, all of the eccentric member shaft 17 transmission gears 33 mesh with the small gear 30b. Column 2, lines 33-47, and column 3, lines 34-47 and Fig. 1.

Regarding Claim 6, the intermediate gear 30 has a hollow structure. See Fig. 1.

Regarding Claim 12, the supporting unit 11 can rotate to form an output member. The intermediate gear 30 is parallel to the output member. See column 6, lines 1-3 and Fig. 1.

Regarding Claim 14, the eccentric member portions 17a and 17b oscillatingly rotate the external gears 19 and the supporting unit 11 is a hollow shaft with a hollow diameter portion 34a.

Accordingly, all the elements of Claim 1 and those claims depending therefrom are anticipated by the Tanaka patent.

Response to Arguments

6. Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive. Specifically, the Applicant has argued that the Tanaka patent does not show an orthogonal gear linking the middle shaft to the input shaft at a right angle. To the contrary, the Tanaka patent teaches that the middle shaft 30 has a large gear 30a that is orthogonal to the middle shaft 30. The large gear 30a links the middle shaft 30 and the input shaft 25 to each other and does so at a right angle since the large gear 30a forms a right angle or is orthogonal with both the input shaft 25 and the middle shaft 30. See Fig. 1 in the Tanaka patent. Accordingly, all the elements of Claim 1 and those claims depending therefrom as stated above are anticipated by the Tanaka patent.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the input shaft of the gear system can be located in a right angle direction to

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the output shaft, or that the axial length of the structure is shortened lengthwise in the Applicant's invention or other benefits of the invention, on pages 8 and 9 of Applicant's Response filed on February 17, 2006) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Facsimile Transmission

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission

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whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by

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the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin K. Holmes whose telephone number is (571) 272-5930. The examiner can normally be reached on 8:00am to 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JKH
5/9/2006


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